

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

ALTON D. BROWN,
Plaintiff,

v.

DAVID DIGUGLIELMO, et al.,
Defendants.

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CIVIL ACTION
NO. 07-3771

ORDER

AND NOW, this __7th__ day of ____January____, 2016, it is **ORDERED** that:

- Plaintiff's Motion for Partial Summary Judgment (ECF No. 200) is **DENIED**.
- Commonwealth Defendants' Motion for Summary Judgment (ECF No. 197) is **GRANTED in part** and **DENIED in part**.

- Commonwealth Defendants' Motion for Summary Judgment is **GRANTED** as to:

- Plaintiff's environmental tobacco smoke ("ETS") future injury claim for declaratory or equitable relief, including injunctive relief, against all Defendants.
- Plaintiff's ETS future injury claim for damages against Defendants John Nafus, Glenn Given, Robert Cox, and twenty-nine John and Jane Does.

- Commonwealth Defendants' Motion for Summary Judgment is **DENIED** as to:

- Plaintiff's ETS future injury claim for damages against Defendants David Diguglielmo, Scott Williamson, William Banta, Dereck White, Charles Judge, and Jeff Zimmerman.

- The case will be set for trial by separate order.

s/Anita B. Brody

ANITA B. BRODY, J.